

**REMARKS**

Claims 1-3, 5-22, and 47-49 are pending in the present application. Claims 4, 27, and 38 were canceled. Claims 1, 5, 13, 15, 20, 21, and 47-49 were amended. Claims 23-26, 28-37, and 39-46 were withdrawn in response to restriction requirement on December 9, 2003. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct the word length of the abstract. No new matter has been added by any of the amendments to the specification.

**I. Objection to the Abstract**

The examiner has objected to the abstract under MPEP § 608.01(b) as the length of the abstract exceeded 150 words. In response, the abstract is amended to read as follows:

A system for providing access to a data stream by a plurality of users at a same time. A data stream splitter manager listens for new client device connections. When a new client device connection is identified, the data stream splitter manager generates a pseudo-terminal for the client device and adds the client device and pseudo-terminal information to a data stream splitter table. In addition, a data stream splitter is generated to handle the data transfer. The data stream splitter searches the data stream splitter table for client devices participating in a system resource sharing session. The data stream splitter sends a data stream associated with the shared system resource to the associated client device pseudo-terminals. Also, the data stream splitter sends data from the client devices to the pseudo-terminals and then to the data stream. Consequently, client devices involved in the session has shared system resource access.

As amended, the abstract contains 148 words. Accordingly, the objection to the abstract under MPEP § 608.01(b) has been overcome.

**II. Objection to the Specification**

The examiner has objected to the specification under MPEP § 608.01 (g) as the specification is not written in such particularity as to enable one of ordinary skill in the art to make and use the invention without involving extensive experimentation. This objection is respectfully traversed.

With regard to the specification, the examiner stated:

The examiner believes that the use of the phrase "pseudo-terminal" (specification, page 12 lines 20+, page 13, lines 1+ and 20+; page 14, lines 5+), is not described with sufficient particularity (all that is stated is that it is established and used), given its apparent importance in implementing the invention, and the fact that it is an obscure term in the art, appearing in only 42 patents.

Office Action, dated May 20, 2005, page 2.

The term pseudo-terminal in the specification of the present invention is defined by the plain and ordinary meaning of the words contained within the term and no special meaning is achieved by the term's use in the specification. The ordinary meaning of the word pseudo is simulated or artificial. The ordinary meaning of the word terminal is a remote input or output device linked to a computer. Combining the definitions of the two words above, the plain and ordinary meaning of the term pseudo-terminal is a simulated input/output device linked to a computer.

Consequently, the term pseudo-terminal in the context of the present invention does not reach special significance in the specification, but is merely defined by the ordinary meaning of the words contained within the term. A pseudo-terminal, in the context of the specification, is a simulated, nonphysical, terminal used as a means of communication. By way of example, the pseudo-terminal provides a mechanism by which the data stream splitter communicates with the client devices participating in a session through the data stream splitter manager. Specification, page 13, lines 1-4. Each session is implemented as a pseudo-terminal in the data stream splitter manager. Specification, page 16, lines 28 and 29. The data stream splitter manager may be implemented as an application running on a server. Specification, page 18, lines 23-25. Consequently, the pseudo-terminal utilized by an embodiment of the present invention is a software generated mechanism used to allow communication between the data stream splitter and the client device participating in the session. Thus, the term pseudo-terminal is described with sufficient particularity in the specification of the present invention to enable one of ordinary skill in the art to make and use the invention without involving extensive experimentation.

In addition, the examiner stated that the term pseudo-terminal appears in 42 patents. Office Action, page 2. The fact that the term pseudo-terminal appears in 42 patents is evidence that the term is known in the art, that the term is defined by others skilled in the art, and that the term is in the public domain. Therefore, the term pseudo-terminal is not obscure and can be understood by others.

Accordingly, the objection to the specification with regard to the term pseudo-terminal under MPEP § 608.01 (g) has been overcome.

### III. 35 U.S.C. § 112, Second Paragraph

The examiner has rejected claims 1-22 and 47-49 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

In rejecting the claims, the examiner stated:

With regard to claims 1, 9, 13, 14, and 15, the claims do not particularly point out the process being claimed. For example, with regard to claims 1 and 9, what are the input and output which are received from the application data stream? What is the received input from the devices? What is the output to the device? With regard to claim 13, what is the request? Where is the data stream splitter table located? What is the output? How are these method steps structurally implemented? With regard to claim 14, again, what is the output? What is the input? With regard to claim 15, how is the method related to a construct for carrying it out? With regard to claims 47-49, again, how is the method related to a construct for carrying it out, and what are the input and output related to?

Also, with respect to claims 47-49, instead of input to an "application", it should be input to an "application data stream".

Office Action, page 3.

Independent claim 1 of the present invention, which is representative of independent claims 9, 13-15, and 47-49, with regard to similarly recited subject matter, reads as follows:

1. A method of communicating between one and a plurality of devices, comprising:

establishing a pseudo-terminal for a device;  
receiving, from the device, input to an application data stream;  
receiving an output from the application data stream based on the  
received input and input from the plurality of other devices; and  
providing the output to the device and the plurality of devices at  
substantially a same time, wherein only the output from the application  
data stream is shared by the device and the plurality of devices.

The preamble of claim 1 recites the term "comprising", meaning that claim 1 is open ended and does not require that all of the disclosed elements be set forth. To comply with the second paragraph of 35 U.S.C. § 112, it is unnecessary for the claims to recite what the input and output are, where items are located, and how steps are structurally implemented. *Ex parte Keith F. Kelly, Jr.*, Appeal No. 86-2824 (Board of Patent Appeals and Interferences), page 5 (To comply with 35 U.S.C. § 112 it is not necessary for the claims to recite "how", "when", "by whom", or "by what hardware devices", or "by what software elements" the necessary (though non-recited) steps or operations are being performed.

"A broad claim, no matter how broad, is not indefinite so long as the boundaries of the claim are capable of being understood. In other words, if the metes and bounds of a claimed invention are clearly ascertainable, then the claim, no matter how broad cannot be properly rejected as vague and indefinite" under the language of 35 U.S.C. § 112, second paragraph. *In re Gardner*, 427 F.2d 786, 166 U.S.P.Q. 138 (C.C.P.A. 1970) and *In re Goffe*, 576 F.2d 1393, 188 U.S.P.Q. 131 (C.C.P.A. 1975)

In construing the meaning of a claim limitation, it is entirely proper to look to the specification in order to interpret what the inventor intended by the claim term. *In re Sneed*, 710 F.2d. 1544, 1548, 218 U.S.P.Q. 385, 388 (Fed. Cir. 1983) ("It is axiomatic that, in proceedings before the PTO, claims in an application are to be given their broadest reasonable interpretation consistent with the specification, . . . , and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art."); *In re Marosi*, 710 F.2d 799, 802-03, 218 U.S.P.Q. 289, 292 (Fed. Cir. 1983) ("It is well established that 'claims are not to be read in a vacuum, and limitations therein are to be read in light of the specification . . .'"); *In re Ehrreich*, 590 F.2d 902, 907, 200 U.S.P.Q. 504, 508 (CCPA 1979).

With regard to claims 1 and 9, the input from a client device to an application data stream is input from the client device to change or modify the system resource. Specification, page 14, lines 5-18. The input from the client device to the application data stream is the same as the client device's output. The output of the application data stream is the modification made by the client device input to the application data stream, which is sent as an output by the application data stream to the client device and the plurality of devices participating in a session. Specification, page 14, line 19 – page 15, line 8.

In addition, the actual input and output of the client device and the application data stream are unimportant to the method of the present invention. In other words, the present invention is not restricted to any particular input or output of the client device or application data stream. Therefore, it is unnecessary to define input and output in the claims.

With regard to claim 13, the request is a request from the client device to establish a session with the system resource by requesting access to the application data stream. The client device request includes client device characteristic information, such as network address, user identification, password, bit rate, et cetera, and an indicator of the system resource to which the client device desires access. Specification, page 12, lines 9-19. The data stream splitter table is located in the data stream splitter table storage device in a server. Specification, page 13, lines 17-19 and Figure 4, item 460. The output of the application data stream is the same as the application data stream output discussed in claims 1 and 9 above. Finally, the method steps are structurally implemented in a server/client data processing system as evidenced by figures 1-5 and the associated text in the specification of the present invention. However, embodiments of the present invention are not limited to the structural limitation shown in figures 1-5. Figures 1-5 are only exemplary illustrations of one possible embodiment of the present invention.

With regard to claims 14 and 47-49, the input and output of the client device and application data stream are the same as discussed in claims 1 and 9 above. With regard to claims 15 and 47-49, the construct for carrying out the method of the present invention is the same as with claim 13 above. Also, with regard to claims 47-49, claims 47-49 are

amended to read input to an application data stream instead of input to an application as recommended by the examiner.

As a result of the arguments above, claims 1-22 and 47-49 are not indefinite and do particularly point out and distinctly claim the subject matter which applicant regards as the invention because the metes and bounds of the claimed invention are clearly ascertainable from the specification. Accordingly, the rejection of claims 1-22 and 47-49 under 35 U.S.C. § 112, second paragraph, has been overcome.

#### IV. 35 U.S.C. § 102, Anticipation, Claims 1-3, 8, 10, and 11

The examiner has rejected claims 1-3, 8, 10, and 11 under 35 U.S.C. § 102 as being anticipated by Friedell et al., U.S. Patent No. 5,491,508 (Friedell). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not shown in the cited reference as arranged in the claims.

Amended independent claim 1 of the present invention, reads as follows:

1. A method of communicating between one and a plurality of devices, comprising:  
establishing a pseudo-terminal for a device;  
receiving, from the device, input to an application data stream;  
receiving an output from the application data stream based on the received input and input from the plurality of other devices; and  
providing the output to the device and the plurality of devices at substantially a same time, wherein only the output from the application data stream is shared by the device and the plurality of devices.

With regard to claim 1, the examiner stated:

With regard to claim 1, Friedell et al teach receiving input from device 10 (see figure 4 and front of patent) to an application data stream (the channels between WS and HUB, and ultimately between the HUBs. See also col 3, lines 53+). Friedell also teaches receiving an output from the data streams based on the data input from the WS, as well as input from the plurality of other work stations associated with different HUBs. See col 3 lines 60+ and also col 4 lines 13+. It is further noted that this output is provided to the work stations at substantially the same time, in view of the fact that the signals would need to be nearly simultaneous for a conference to occur.

Office Action, pages 3 and 4.

Friedell teaches a video signal distribution hub for a video conferencing network in which workstations generate RF video signals. Friedell, Abstract. Even though Friedell teaches receiving input to an application data stream from a device and output from the application data stream based on the received input, Friedell does not identically teach each and every element recited in amended independent claim 1 of the present invention. Specifically, Friedell does not teach establishing a pseudo-terminal for the device. Friedell neither makes reference to a pseudo-terminal, nor to using anything analogous to a pseudo-terminal in the method of Friedell.

As shown in Section II above, the pseudo-terminal recited in amended claim 1 is a software generated mechanism produced by the data stream splitter manager in the server and is used for communication between a data stream splitter and the client device participating in the session. Friedell does not teach the use of a software generated communication device between the workstation and the splitter unit. Consequently, Friedell does not teach the recited claim 1 limitation of establishing a pseudo-terminal for a device. Thus, Friedell does not identically teach each and every element recited in amended independent claim 1 of the present invention.

In addition, the examiner stated on page 11 of the office action that claims 4, 5, 20, and 21 would be allowable if rewritten in independent form and if rewritten to overcome the 112 second paragraph rejections. Claims 4, 5, 20, and

21 recite the limitation of a pseudo-terminal. This pseudo-terminal limitation of canceled dependent claim 4 is incorporated into amended independent claim 1 satisfying the examiner's independent form requirement. Further, the arguments contained in Section II above overcome the 112 second paragraph rejection of claims 4, 5, 20, and 21. Therefore, amended independent claim 1, which contains the language of canceled dependent claim 4, is in condition for allowance.

Accordingly, the rejection of claim 1 as being anticipated by Friedell has been overcome. As a result, claims 2, 3, 5, 8, 10, and 11 are dependent claims depending on independent claim 1. Consequently, claims 2, 3, 5, 8, 10, and 11 also are allowable, at least by virtue of their dependence on an allowable claim. Furthermore, these dependent claims also contain additional features not taught by Friedell.

For example, dependent claim 3 of the present invention, reads as follows:

3. The method of claim 2, wherein the data stream splitter is dynamically constructed to provide shared access to the application data stream.

Friedell teaches that the output signal of the combining network passes to a splitter unit that produces  $P+1$  identical output signals. Friedell, column 4, lines 10-12. Friedell makes no reference to dynamically constructing the splitter unit. The splitter unit in Friedell is a physical device, which cannot be constructed and deconstructed as needed.

In contrast, claim 3 recites that the data stream splitter is dynamically constructed to provide shared access to the application data stream. By way of example, if a new session is initiated with a system resource that is not currently being handled by an existing data steam splitter, a new data steam splitter may be constructed to facilitate sharing of the data steam to and from the system resource. Similarly, once a session has ended, the data steam splitter for that session may be deconstructed if no longer needed. Specification, page 11, lines 22-29. Hence, the data stream splitter recited in the claims of the present invention is a software generated implementation that may be constructed and deconstructed as needed and is not a permanent physical device as taught by Friedell. Consequently, Friedell does not teach dynamically constructing a data stream splitter as recited in dependent claim 3 of the present invention.

As a further example, claim 5 of the present invention reads as follows:

5. The method of claim 2, wherein output received by the data stream splitter from the application data stream is sent to the pseudo-terminal and data received by the pseudo-terminal from the device is sent to the data stream splitter.

As shown above, the method taught by Friedell does not teach utilizing a pseudo-terminal, therefore, Friedell cannot teach that output received by the data stream splitter from the application data stream is sent to the pseudo-terminal and data received by the pseudo-terminal from the device is sent to the data stream splitter as recited in claim 5.

Therefore, the rejection of claims 1-3, 5, 8, 10, and 11 as being anticipated by Friedell has been overcome.

V. 35 U.S.C. § 103, Obviousness, Independent Claims 47-49

The examiner has rejected claims 47-49 under 35 U.S.C. § 103 as being unpatentable over Friedell. This rejection is respectfully traversed.

The examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The examiner has not met this burden because all of the features of these claims are not found in the cited reference as believed by the examiner. Therefore, Friedell does not teach the presently claimed invention in these claims.

Amended independent claim 47 of the present invention, which is representative of amended independent claims 48 and 49 with regard to similarly recited subject matter, reads as follows:

47. A method of communicating between one and a plurality of devices, comprising:  
establishing a pseudo-terminal for each of the plurality of devices;  
receiving from at least two of the plurality of devices, input to an application data stream;  
combining the input from the at least two of the plurality of devices to produce combined output; and

simultaneously outputting the combined output at each of the plurality of devices.

With regard to claim 47, the examiner stated:

With regard to claim 47, Friedell et al teach receiving input from workstations 10 to a data stream connecting two hubs 14, 14, wherein the data from the workstations is combined to produce a combined output signal, as is discussed in column 3 lines 45+, and shown in figure 3 (see member 40). Also as described in 3 lines 45+, a combined signal 36 is sent back to the work stations. It is not, however, explicitly stated that these signals are *simultaneously* output to each of the plurality of devices.

One of ordinary skill in the art would have, however, found it obvious, at the time of the invention, to have *simultaneously* output the combined signals to each of the plurality of devices in Friedell et al in view of the fact that in a conference system such as that taught in Friedell et al, it is desireable to carry out the conversation in a manner in which it appears as if it is occurring in real time, and outputting the combined signals simultaneously would facilitate the simulation of this mode of communication.

Office Action, page 5.

As shown in Section IV above, Friedell does not teach or suggest all the claim limitations recited in amended claim 47. Specifically, Friedell does not teach or suggest establishing a pseudo-terminal for a device as recited in amended claim 47. Therefore, Friedell does not teach or suggest this recited claim 47 limitation.

In addition, Friedell does not teach or suggest simultaneously outputting the combined output at each of the plurality of devices as recited in claim 47. Applicant agrees with the examiner that Friedell does not explicitly state that the signals are simultaneously output to each of the plurality of devices. But, the examiner went on to state that it would have been obvious to one of ordinary skill in the art to have simultaneously output the combined signals in a conference system. Office Action, page 5. However, the examiner has not provided any support from Friedell to suggest adding this limitation of simultaneously outputting signals recited in claim 47. Consequently, the applicant respectfully traverses the official notice taken by the examiner with regard to simultaneously outputting the combined output and requests that the examiner provide either a prior art reference or an affidavit in support of the official notice.

The examiner must rely on a reference for describing the level of ordinary skill. *In re Pardo*, 684 F.2d 912 (C.C.P.A. 1982). If the applicant traverses such an assertion, the examiner should cite a reference in support of his position. *In re Malcolm*, 129 F.2d 529 (C.C.P.A. 1942); MPEP § 2144.03. Moreover, if the examiner is basing the rejection on facts within the examiner's own personal knowledge, applicant respectfully requests that the examiner comply with 37 CFR § 1.104(d)(2) and provide support for the examiner's argument in the form of an affidavit "subject to contradiction or explanation by the affidavits of the applicant or other persons." 37 CFR § 1.104(d)(2). Otherwise, the examiner has not met the *prima facie* burden of proving obviousness.

Therefore, Friedell does not teach or suggest the recited claim 47 limitation of simultaneously outputting the combined output at each of the plurality of devices either. As a result, Friedell does not teach or suggest all the elements recited in amended claims 47-49. Accordingly, the rejection of claims 47-49 as being unpatentable over Friedell has been overcome.

#### VI. 35 U.S.C. § 103, Obviousness, Dependent Claim 12

The examiner has rejected dependent claim 12 under 35 U.S.C. § 103 as being unpatentable over Friedell as applied above to claims 1-3, 8, 10, and 11, and further in view of Robert et al., U.S. Patent No. 6,327,276 (Robert). This rejection is respectfully traversed.

As argued in Section IV above, Friedell does not teach or suggest establishing a pseudo-terminal for a device as recited in amended independent claim 1 of the present invention. This feature also is not taught in Robert. Therefore, since neither Friedell nor Robert teach or suggest establishing a pseudo-terminal for a device as recited in amended independent claim 1, then the combination of Friedell and Robert cannot teach or suggest this recited feature. As a result, claim 12 of the current invention also is allowable at least by virtue of its dependence upon an allowable claim. Accordingly, the rejection of claim 12 as being unpatentable over Friedell in view of Robert has been overcome.

**VII. 35 U.S.C. § 103, Obviousness, Dependent Claim 7 and Independent Claim 13**

The examiner has rejected claims 7 and 13 under 35 U.S.C. § 103 as being unpatentable over Friedell as applied above to claims 1-3, 8, 10, and 11, and further in view of Colby et al., U.S. Patent No. 6,625,643 (Colby). This rejection is respectfully traversed.

With regard to dependent claim 7, Friedell does not teach or suggest establishing a pseudo-terminal for a device as recited in amended independent claim 1 of the present invention, as argued in Section IV above. This feature also is not taught in Colby. Therefore, since neither Friedell nor Colby teach or suggest establishing a pseudo-terminal for a device as recited in amended independent claim 1, then the combination of Friedell and Colby cannot teach or suggest this recited feature. As a result, claim 7 of the current invention also is allowable at least by virtue of its dependence upon an allowable claim.

With regard to independent claim 13, amended claim 13 reads as follows:

13. A method of providing a device shared access to a data stream, comprising:

receiving a request for access to the data stream from a device;  
style="padding-left: 40px;">establishing a pseudo-terminal for the device;  
style="padding-left: 40px;">adding an entry to a data stream splitter table for the device; and  
style="padding-left: 40px;">providing the device access to the data stream via a data stream splitter in accordance with the entry in the data stream splitter table,  
wherein providing the device access includes providing output from the data stream to the device and sending input from the device to the data stream, and wherein the output from the data stream is provided in a realtime manner based on the input from the device and input received from at least one other device.

As shown above, neither Friedell nor Colby teach or suggest the use of a pseudo-terminal as is recited in amended claim 13 of the present invention. Therefore, Friedell and Colby do not teach or suggest all claim limitations recited in amended independent claim 13.

Accordingly, the rejection of claims 7 and 13 as being unpatentable over Friedell in view of Colby has been overcome.

**VIII. 35 U.S.C. § 103, Obviousness, Claims 6, 15-19, and 22**

The examiner has rejected claims 6, 15-19, and 22 under 35 U.S.C. § 103 as being unpatentable over Friedell as applied above to claims 1-3, 8, 10, and 11, and further in view of either one of: Grabb et al., U.S. Patent No. 6,538,704 (Grabb) or Colby. This rejection is respectfully traversed.

With regard to dependent claim 6, as argued in Section IV above, Friedell does not teach or suggest establishing a pseudo-terminal for a device as recited in amended independent claim 1 of the present invention. This feature also is not taught in Grabb and Colby. Therefore, since Friedell, Grabb, and Colby do not teach or suggest establishing a pseudo-terminal for a device as recited in amended independent claim 1, then the combination of Friedell, Grabb, and Colby cannot teach or suggest this recited feature. As a result, claim 6 of the current invention also is allowable at least by virtue of its dependence upon an allowable claim.

With regard to independent claim 15, amended claim 15 reads as follows:

15. A method of providing shared access to a bi-directional data stream, comprising:
  - establishing a pseudo-terminal for a client device;
  - cycling through entries in a data stream splitter table, each entry in the data stream splitter table identifying the client device;
  - sending data from the data stream to the client device identified in each entry based on the cycling through of the entries; and
  - receiving data from the client device identified in each entry, based on the cycling through of the entries, and sending the data from the client device to the bi-directional data stream.

As shown above, Friedell, Grabb, and Colby do not teach or suggest establishing a pseudo-terminal for a client device as is recited in amended claim 15 of the present invention. Therefore, Friedell, Grabb, and Colby do not teach or suggest all claim limitations recited in amended independent claim 15. Consequently, the rejection of amended independent claim 15 as being unpatentable over Friedell in view of either Grabb or Colby has been overcome.

In view of the argument above, amended independent claim 15 is in condition for allowance. As a result, claims 16-19 and 22 are dependent claims depending on independent claim 15. Thus, claims 16-19 and 22 also are allowable, at least by virtue of

their dependence on an allowable claim. Furthermore, these dependent claims also contain additional features not taught in Friedell, Grabb, and Colby.

For example, claim 19 includes a feature similar to that recited in claim 3. Hence, the argument contained in Section IV above, with regard to claim 3, is relevant and is herein applied. Grabb and Colby do not cure the deficiencies of Friedell. Therefore, Friedell, Grabb, and Colby do not teach or suggest dynamically constructing a data stream splitter to provide shared access to the data stream as recited in claim 19.

As a further example, claim 22 of the present invention reads as follows:

22. The method of claim 18, wherein the data stream splitter provides non-blocking raw input/output access to the data stream.

Applicant agrees with the examiner that Friedell does not explicitly teach the use of non-blocking raw data being sent to the data stream. Office Action, page 10. But, in rejecting claim 22, the examiner stated that "it would have been obvious to one of ordinary skill in the art at the time of the invention to have used non-blocking raw data in Friedell et al in order to prevent the conference from having unwanted pauses during its operation." Office Action, page 10. However, the examiner has not provided any support from Friedell to suggest adding this limitation of providing non-blocking raw input/output access to the data stream as recited in claim 22. Therefore, the applicant respectfully traverses the official notice taken by the examiner and requests that the examiner provide either a prior art reference or an affidavit in support of the official notice.

Accordingly, the rejection of claims 6, 15-19, and 22 as being unpatentable over Friedell in view of either Grabb or Colby has been overcome.

#### **IX. Objection to claims 4, 5, 9, 14, 20, and 21**

The examiner has objected to claims 4, 5, 9, 14, 20, and 21 as being dependent upon rejected claims. This objection is respectfully traversed.

The examiner stated that claims 4, 5, 9, 14, 20, and 21 would be allowable if rewritten to include the limitations of the base claims and any intervening claims, and if rewritten to overcome the 112 second paragraph rejections. As previously discussed in Section IV above, dependent claim 4 is canceled with the claim limitation language of

canceled claim 4 being incorporated into amended independent claim 1. Amended claim 1 is now in condition for allowance. As a result, claim 5 is a dependent claim depending on independent claim 1. Thus, claim 5 also is allowable, at least by virtue of its dependence on an allowable claim.

With regard to independent claims 9 and 14, as shown in Section III above, the rejection of claims 9 and 14 under 35 U.S.C. 112, second paragraph, has been overcome. With regard to dependent claims 20 and 21, claims 20 and 21 depend upon amended independent claim 15. As shown in Section VIII above, amended claim 15 is now in condition for allowance. As a result, claims 20 and 21 are also allowable, at least by virtue of their dependence on an allowable claim.

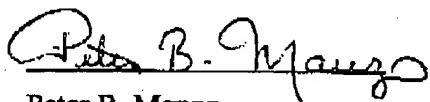
**X. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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